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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,475	02/21/2002	Hideyuki Ban	HITA.0173	4858

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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/078,475	Applicant(s) BAN ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the Response and Preliminary Amendment filed on 5/24/2006. Claims 7 and 18 have been cancelled. Claims 1, 5, 9, 12, and 16 have been amended. Claim 20 is newly added. Claims 1-6, 8-17, and 19-20 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-10, 12-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summerell et al. (5,937,387; hereinafter Summerell), in view of Campell et al. (6,059,724; hereinafter Campbell).

(A) As per currently amended claim 1, Summerell discloses a health management support method implemented in a computer-based data processing system for generating life expectancy data to be used in a health management system, comprising:

- (1) providing a database for storing healthy life expectancy prediction data that represents transition of a percentage of normal people in each result of health screening (Summerell: abstract; col. 8, lines 16-25; col. 11-16; Fig. 7-14);
- (2) generating health screening report data for each person who undergoes health screening by data entry means (Summerell: col. 8, line 50-55; Fig. 3); and
- (3) preparing medical payment prediction knowledge data as basic data for predicting medical payment from a diversity of healthy life expectancy; and calculating a predicted amount of future medical payment of the each person who undergoes health screening based on the predicted period of healthy life expectancy of the each person and the medical payment prediction knowledge data (Summerell: col. 4, lines 65-67; col. 5, lines 1-11).

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Summerell, however, fails to *expressly* disclose a health management support method implemented in a computer-based data processing system for generating life expectancy data to be used in a health management system, comprising:

- (4) generating personal healthy life expectancy prediction data by selecting at least one of said healthy life expectancy prediction data based on said inputted health screening report data for each said person;
- (5) estimating a predicted period of healthy life expectancy of each said person, by calculating based on said selected personal healthy life expectancy prediction data; and
- (6) outputting said estimated predicted period of healthy life expectancy of each said person.

Nevertheless, these features are old and well known in the art, as evidenced by Campell. In particular, Campell discloses a health management support method implemented in a computer-based data processing system for generating life expectancy data to be used in a health management system, comprising:

- (4) generating personal healthy life expectancy prediction data by selecting at least one of said healthy life expectancy prediction data based on said inputted health screening report data for each said person (Campell: abstract; col. 4, lines 26-67; col. 5, lines 1-62);

- (5) estimating a predicted period of healthy life expectancy of each said person, by calculating based on said selected personal healthy life expectancy prediction data (Campell: abstract; col. 4, lines 26-67; col. 5, lines 1-62) (Examiner considers the time period prior to the predicted time period correlating with the onset of a health problem to read on "a predicted period of healthy life expectancy."); and
- (6) outputting said estimated predicted period of healthy life expectancy of each said person (Campell: abstract; col. 4, lines 26-67; col. 5, lines 1-62; col. 9, lines 3-23).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Campell with the teachings of Summerell with the motivation of providing a means of predicting the onset of health problems (Campell: col. 4, lines 27-32).

(B) As per previously presented claim 2, Summerell discloses a health management support method as recited in claim 1 further comprising:

a health management plan generation step which comprises generating health management plans for each said person who underwent health screening, based on the predicted value of healthy life expectancy of each said person (Summerell: col. 16, lines 51-67; col. 17, lines 1-27; Fig. 17-29).

(C) As per previously presented claim 3, Summerell discloses a health management support method as recited in claim 2, wherein the health management plan generation step comprises generating health screening recommendation plans (Summerell: abstract; col. 16, lines 51-67; col. 17, lines 1-36; Fig. 18-29).

(D) As per previously presented claim 4, Summerell discloses a health management support method as recited in claim 2, wherein the health management plan generation step further comprises generating healthy lifestyle practice recommendation plans for guiding each person in improving his or her living habits such as meals, exercise, and smoking (Summerell: abstract; col. 16, lines 51-67; col. 17, lines 1-36; Fig. 18-29).

(E) As per currently amended claim 5, Summerell discloses a health management support method as recited in claim 4, further comprising:

a health management effect prediction step which comprises estimating change to the predicted period of healthy life expectancy of a person, wherein the expected change is based on the person practicing life-style improvement advised in a health management plan generated in the health management plan generation step (Summerell: abstract; col. 16, lines 51-67; col. 17, lines 1-36; Fig. 18-22).

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(F) As per original claim 6, Summerell discloses a health management support method as recited in claim 5, further comprising:

- (1) a medical payment prediction step which comprises preparing medical payment prediction knowledge data beforehand as basic data for predicting medical payment from a diversity of healthy life expectancy and calculating change to medical payment predicted for a person who underwent health screening, based on the change to the predicted period of healthy life expectancy of the person estimated in the health management effect prediction step and through the use of the medical payment prediction knowledge data (Summerell: col. 4, lines 65-67; col. 5, lines 1-11).

(G) As per original claim 8, Summerell discloses a health management support method as recited in claim 1, further comprising:

- (1) a medical insurer management support step which comprises predicting aggregate medical payment of a medical insurer as a whole, based on the predicted period of healthy life expectancy of each assured person who is a policyholder insured by the medical insurer (Summerell: col. 4, lines 65-67; col. 5, lines 1-11).

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(H) As per currently amended claim 9, Summerell fails to *expressly* disclose the health management support method according to claim 1, wherein said calculation is performed by applying an equation

$$\sum_{x=1}^{\infty} Lx/Li$$

to select said healthy life expectancy prediction data when age of said person is i , wherein Lx and Li are percents of normal people at age x and age i , respectively.

However, the above formula appears to be nothing more than a normalization calculation. It is respectfully submitted that normalization techniques are old and well known in the art (See col. 11, lines 50-59 and Fig. 8 of Summerell.)

One of ordinary skill would have found it obvious at the time of the invention to substitute the normalization techniques of Summerell with the use of a particular formula, such as that recited in claim 9, with the motivation of providing various options to a measure that is statistically relevant (Summerell: col. 1, lines 44-63).

(I) As per previously presented claim 10, Summerell discloses the health management support method according to claim 1, wherein said healthy life expectancy prediction data is generated by collecting health screening report data of a plurality of person, collecting medical data comprised of medical services details, generating a healthy life expectancy prediction data by calculating the percentage of the dead and

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the percentage of people being sick or disabled for every age from said medical data, and generating healthy life expectancy prediction data (Summerell: col. 9, lines 32-67; col. 10, lines 1-50).

(J) Currently amended claim 12 differs from claim 1 by reciting "...support program implemented in software stored on a tangible medium..." within its preamble. As per these elements, Summerell's health management support system includes a computer, server system, keyboard, display monitor, and a memory (Summerell: col. 7, lines 47-67; col. 8, lines 1-30). As such, it is readily apparent that Summerell's health management support system is controlled by a support program implemented in software stored on a tangible medium.

The remainder of claim 12 repeats the same limitations of method claim 1 and is therefore, rejected for the same reasons given above for claim 1 and incorporated herein.

(K) Claims 13-17 and 19 repeat the same limitations of claims 2-6 and 8 and therefore, are rejected for the same reasons given for those claims.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summerell and Campell, as applied to claim 1 above, and further in view of Joao (6,283,761; hereinafter Joao).

(A) As per previously presented claim 11, Summerell fails to *expressly* disclose the health management support method according to claim 10, wherein medical data has medical fee bill data.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses the health management support method according to claim 10, wherein medical data has medical fee bill data (Joao: abstract; col. 16 – col. 19).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of Summerell with the motivation of providing an apparatus and method for performing healthcare diagnoses (Joao: col. 8, lines 14-16).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summerell and Campell, as applied to claim 1 above, and further in view of Iliff (6,569,093; hereinafter Iliff) and further in view of Seare et al. (5,557,514; hereinafter Seare).

(A) As per new claim 20, Summerell fails to *expressly* disclose the health management support method as recited in claim 1, comprising:

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- (1) calculating predicted duration of at least one of diseases and disability based on said predicted period of said healthy life expectancy; and
- (2) calculating an aggregate of medical payments predicted for the at least one of diseases and disability.

Nevertheless, these features are old and well known in the art, as evidenced by Campell, Iliff and Seare. In particular, Campell, Iliff and Seare disclose the health management support method as recited in claim 1, comprising:

- (1) calculating predicted duration of at least one of diseases and disability (Iliff: col. 2, lines 15-41) based on said predicted period of said healthy life expectancy (Campell: abstract; col. 4, lines 26-67; col. 5, lines 1-62); and
- (2) calculating an aggregate of medical payments predicted for the at least one of diseases and disability (Seare: abstract).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Campell with the combined teachings of Summerell, Iliff and Seare with the motivation of providing a means of predicting the onset of health problems (Campell: col. 4, lines 27-32).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Iliff with the combined teachings of Summerell, Campell and

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Seare with the motivation of predicting a timeline (i.e., duration) of a disease or disability (Iliff: abstract).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Seare with the combined teachings of Summerell, Campell and Iliff with the motivation of predicting the cost associated with a diagnosis (Seare: abstract).

Response to Arguments

6. Applicant's arguments filed 5/24/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 5/24/2006.

(A) On page 9 of the 5/24/2006 response, Applicant argues that neither Summerell nor Campell explicitly or implicitly teach or suggest that a predicted amount of future medical payment of an applicant is calculated based on the predicted period of healthy life expectancy of each person and the medical payment prediction knowledge data for predicting medical payment from a diversity of healthy life expectancies. Applicant further argues that neither Summerell nor Campell explicitly or implicitly teach or suggest that the amount of health and life insurance premiums corresponds to a

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predicted amount of future medical payment, or is calculated based on predicted amount of future medical payment.

In response, Examiner respectfully submits that the combined teachings of Summerell and Campell do indeed teach and suggest the limitations of claim 1 and directs the Applicant's attention to the citations provided by the Examiner in the rejection above.

(B) On page 9 of the 5/24/2006 response, Applicant argues that Summerell does not show that information about an applicant is collected through health screening.

Examiner, however, respectfully disagrees and considers a questionnaire to read on "health screening." Assuming *arguendo* that a questionnaire is not a kin to "health screening," Campell unequivocally teaches collecting information regarding a patient via health screening.

(C) On page 9 of the 5/24/2006 response, Applicant argues that there is no suggestion or motivation in either Summerell or Campell to combine these features explicitly or implicitly, or in knowledge generally available to one of ordinary skill in the art at the time of the invention was made to embody all the features of the invention as now recited in claim 1.

Examiner disagrees and has provided a suggestion/motivation to combine the teachings of Summerell with the teachings of Campell as provided in the rejection above.

(D) On page 10 of the 5/24/2006 response, Applicant merely rehashes arguments already addressed by Examiner above as they relate to dependent claims 2-11, independent claim 12, and dependent claims 13-19.

(E) On pages 10-11 of the 5/24/2006 response, Applicant argues Joao says nothing about the medical payment prediction knowledge data is prepared as basic data for predicting medical payment from a diversity of healthy life expectancy and a predicted amount of a predicted amount of future medical payment of an applicant is calculated based on the predicted period of healthy life expectancy of the each person and the medical payment prediction knowledge data.

Examiner notes that whereas the Joao reference was relied upon to address the recitation of "wherein medical data has medical fee bill data," the Summerell and Campell references were relied upon to address the recitations of "medical payment prediction knowledge data is prepared as basic data for predicting medical payment from a diversity of healthy life expectancy and a predicted amount of a predicted amount of future medical payment of an applicant is calculated based on the predicted period of healthy life expectancy of the each person and the medical payment prediction knowledge data." As such, these arguments have already been addressed above.

(F) Applicant's final argument, stated on page 11 of the 5/24/2006 response, is that there is no suggestion or motivation in either Summerell, Campell or Joao to combine

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these features explicitly or implicitly, or in the knowledge generally available to one of ordinary skill in the art at the time the invention was made to embody all the features of the invention as recited in claim 1, upon which claim 11 depends.

Examiner respectfully disagrees and has provided a suggestion/motivation to combine the teachings of Summerell, Campell, and Joao as provided in the rejection above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a system for funding future workers compensation losses (5,613,072).


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



C. LUKE GILLIGAN
PATENT EXAMINER